

Chapter 21.—GENERAL PROVISIONS APPLICABLE TO COURTS AND JUDGES

§ 451. Definitions.

As used in this title:

The term "court of the United States" includes the Supreme Court of the United States, courts of appeals, district courts constituted by chapter 5 of this title, including the Court of Claims, the Court of Customs and Patent Appeals, the Customs Court and any court created by Act of Congress the judges of which are entitled to hold office during good behavior.

(As amended Sept. 12, 1966, Pub. L. 89-571, § 3, 80 Stat. 764.)

AMENDMENTS

1966—Pub. L. 89-571 removed the United States District Court for the District of Puerto Rico from the definition of the term "court of the United States".

§ 460. Application to Alaska, Canal Zone, Guam and Virgin Islands.

CROSS REFERENCES

Convention on the Settlement of Investment Disputes, exclusive jurisdiction of district courts of the United States, including the courts enumerated in this section, over actions and proceedings for enforcement of arbitration awards under the Convention, regardless of amount in controversy, see section 165a of Title 22, Foreign Relations and Intercourse.

Part II.—DEPARTMENT OF JUSTICE

Chap.	Sec.
31. The Attorney General.....	501
33. Federal Bureau of Investigation.....	531
35. United States Attorneys.....	511
37. United States Marshals.....	561

AMENDMENTS

1966—Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 611, added chapters 31 and 33, and redesignated former chapters 31 and 33 as 35 and 37, respectively.

Chapter 31.—THE ATTORNEY GENERAL

Sec.	
501.	Executive department.
502.	Seal.
503.	Attorney General.
504.	Deputy Attorney General.
505.	Solicitor General.
506.	Assistant Attorneys General.
507.	Assistant Attorney General for Administration.
508.	Vacancies.
509.	Functions of the Attorney General.
510.	Delegation of authority.
511.	Attorney General to advise the President.
512.	Attorney General to advise heads of executive departments.
513.	Attorney General to advise Secretaries of military departments.
514.	Legal services on pending claims in departments and agencies.
515.	Authority for legal proceedings; commission, oath, and salary for special attorneys.
516.	Conduct of litigation reserved to Department of Justice.
517.	Interests of United States in pending suits.
518.	Conduct and argument of cases.
519.	Supervision of litigation.
520.	Transmission of petitions in Court of Claims; statement furnished by departments.
521.	Publication and distribution of opinions.
522.	Report of business and statistics.

- Sec.
523. Requisitions.
524. Appropriations for administrative expenses; non-tariff fees; meals and lodging of bailiffs.
525. Procurement of law books, reference books, and periodicals; sale and exchange.
526. Authority of the Attorney General to investigate United States attorneys and marshals, clerks of court, and others.

AMENDMENTS

1966—Pub. L. 89-554, § 4(c) Sept. 6, 1966, 80 Stat. 611, substituted "The Attorney General" for "United States Attorneys" in the heading of chapter 31, "Executive Department" for "Appointment of United States attorneys" in item 501, "Seal" for "Appointment of assistant United States attorneys" in item 502, "Attorney General" for "Appointment of attorneys" in item 503, "Deputy Attorney General" for "Tenure and oath of office; removal" in item 504, "Solicitor General" for "Residence" in item 505, "Assistant Attorney General" for "Vacancies" in item 506, "Assistant Attorney General for Administration" for "Duties; supervision by Attorney General" in item 507, "Vacancies" for "Salaries" in item 508, "Functions of the Attorney General" for "Expenses" in item 509, "Delegation of authority" for "Conduct of litigation and messengers" in item 510, and added items 511-526.

§ 501. Executive department.

The Department of Justice is an executive department of the United States at the seat of Government. (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 611.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
-----	5 U.S.C. 291 (less last 10 words).	R.S. § 346 (less last 10 words).

The words "There shall be", referring to the establishment of the Department, are omitted as executed.

CODIFICATION

A prior section 501, acts June 25, 1948, ch. 646, 62 Stat. 909; Mar. 18, 1959, Pub. L. 86-3, § 11(a), 73 Stat. 9, related to appointment of United States attorneys, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 663, and is now covered by section 541 of this title.

§ 502. Seal.

The Attorney General shall have a seal for the Department of Justice. The design of the seal is subject to the approval of the President. (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 611.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
-----	5 U.S.C. 292	R.S. § 353.

The section is rewritten to conform to other statutes authorizing departmental seals. The words "The seal heretofore provided for the office of the Attorney General shall be" are omitted as obsolete.

CODIFICATION

A prior section 502, act June 25, 1948, ch. 646, 62 Stat. 909, related to appointment of assistant United States attorneys, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 663, and is now covered by section 542 of this title.

§ 503. Attorney General.

The President shall appoint, by and with the advice and consent of the Senate, an Attorney General of the United States. The Attorney General is the head of the Department of Justice. (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 612.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
----	5 U.S.C. 291 (last 10 words).	R.S. § 346 (last 10 words).

The words "The President shall appoint, by and with the advice and consent of the Senate have been added to conform the section with the Constitution. See article II, section 2, clause 2.

CODIFICATION

A prior section 503, act June 25, 1948, ch. 646, 62 Stat. 909, related to appointment of attorneys to assist United States attorneys, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 633, and is now covered by section 543 of this title.

§ 504. Deputy Attorney General.

The President may appoint, by and with the advice and consent of the Senate, a Deputy Attorney General. (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 612.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
----	5 U.S.C. 294	Mar. 3, 1903, ch. 1006, § 1 (so much of 2d par. under "Department of Justice" as provides for appointment, pay, and duties of an assistant to the Attorney General), 32 Stat. 1062.
----	[Uncodified]	1950 Reorg. Plan No. 2, § 3, eff. May 24, 1950, 64 Stat. 1261.

The words "may appoint" are substituted for "is authorized to appoint". So much of the Act of Mar. 3, 1903, as relates to pay is omitted as superseded by § 303(c) of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 416, which is codified in section 5314 of title 5, United States Code.

CODIFICATION

A prior section 504, acts June 25, 1948, ch. 646, 62 Stat. 909; Mar. 18, 1959, Pub. L. 86-3, § 11(b), 73 Stat. 9, related to tenure and oath of office of United States attorneys, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 663, and is now covered by sections 541 and 544 of this title.

§ 505. Solicitor General.

The President shall appoint in the Department of Justice, by and with the advice and consent of the Senate, a Solicitor General, learned in the law, to assist the Attorney General in the performance of his duties. (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 612.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
----	5 U.S.C. 293	R.S. § 347 (less last sentence).

So much of R.S. § 347 as relates to the pay of the Solicitor General is omitted as superseded by § 303(c) of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 416, which is codified in section 5314 of title 5, United States Code.

CODIFICATION

A prior section 505, act June 25, 1948, ch. 646, 62 Stat. 909, related to residence of United States attorneys, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 663, and is now covered by section 545 of this title.

§ 506. Assistant Attorneys General.

The President shall appoint, by and with the advice and consent of the Senate, nine Assistant Attorneys General, who shall assist the Attorney Gen-

eral in the performance of his duties. (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 612.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
----	5 U.S.C. 295	R.S. § 348.
		July 11, 1890, ch. 607, § 1 (words between 3d and 4th semicolons under "Department of Justice"), 26 Stat. 265.
		Mar. 3, 1903, ch. 1006, § 1 (so much of 2d par. under "Department of Justice" as provides for appointment, pay, and duties of an additional Assistant Attorney General), 32 Stat. 1062.
		July 10, 1914, ch. 141, § 1 (words between 3d and 4th semicolons under "Department of Justice"), 38 Stat. 497.
		Mar. 4, 1915, ch. 141, § 1 (words between 3d and 4th semicolons under "Department of Justice"), 38 Stat. 1038.
		June 16, 1933, ch. 101, § 16 (b), 48 Stat. 308.
----	[Uncodified]	Mar. 2, 1943, ch. 7, 57 Stat. 4.
		1950 Reorg. Plan No. 2, § 4, eff. May 24, 1950, 64 Stat. 1261.
----	[Uncodified]	1953 Reorg. Plan No. 4, § 2, eff. June 20, 1953, 67 Stat. 636.
----	5 U.S.C. 295-1	Sept. 9, 1957, Pub. L. 85-315, § 111, 71 Stat. 637.

The words "There shall be in the Department of Justice" are omitted as unnecessary as the title of the positions establishes their location in the Department of Justice.

The position of sixth Assistant Attorney General, referred to in the Acts of July 16, 1914, and Mar. 4, 1915, was made a permanent position by the Act of Mar. 4, 1915, ch. 141, § 6, 38 Stat. 1049.

The number of Assistant Attorneys General referred to in the Act of Mar. 2, 1943, is changed from "six" to "nine" to reflect the three additional Assistant Attorneys General authorized by 1950 Reorg. Plan No. 2, 1953 Reorg. Plan No. 4, and the Act of Sept. 9, 1957.

The words "learned in the law" are omitted as unnecessary. Such a requirement is not made of the Attorney General, United States attorneys, or United States judges. (See reviser's note under 28 U.S.C. 501, 1964 ed.)

The reference in former section 295 of title 5 to the Assistant Attorneys General assisting the Solicitor General are omitted on authority of the transfer of functions made by 1950 Reorg. Plan No. 2 and 1953 Reorg. Plan No. 4.

Provisions of 1950 Reorg. Plan No. 2, § 4, and 1953 Reorg. Plan No. 4, § 2, abolishing positions and transferring incumbents are omitted as executed.

Provisions relating to pay of Assistant Attorneys General are omitted as superseded by § 303(d) of the Act of August 14, 1964, Pub. L. 88-426, 78 Stat. 418, which is codified in section 5315 of title 5, United States Code.

CODIFICATION

A prior section 506, act June 25, 1948, ch. 646, 62 Stat. 909, related to vacancies in the office of United States attorney, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 663, and is now covered by section 546 of this title.

§ 507. Assistant Attorney General for Administration.

(a) The Attorney General shall appoint, with the approval of the President, an Assistant Attorney

General for Administration, who shall perform such duties as the Attorney General may prescribe.

(b) The position of Assistant Attorney General for Administration is in the competitive service. (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 612.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
----	[Uncodified]	1950 Reorg. Plan No. 2, § 5 eff. May 24, 1950, 64 Stat. 1261.

The title of the position was changed to "Assistant Attorney General for Administration" by § 307 of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 432.

The words "competitive service" are substituted for "classified civil service" because the term "classified civil service" formerly used to designate the merit system established by the Civil Service Act of 1883 has become ambiguous due to the creation of the "classified" pay system. The term "competitive service" is now customarily used, and appears throughout title 5, United States Code, in place of "classified civil service".

The words "There shall be in the Department of Justice" are omitted as unnecessary as the title of the position and the fact of appointment by the Attorney General establish the location of the position in the Department of Justice.

The last 12 words of section 5 of the Reorganization Plan are omitted on authority of the Act of June 5, 1952, ch. 369, § 1101 (3d proviso), 66 Stat. 121. The salary of the position is now fixed by § 303(e) of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 420, which is codified in section 5316 of title 5, United States Code.

CODIFICATION

A prior section 507, acts June 25, 1948, ch. 646, 62 Stat. 910; May 24, 1949, ch. 139, § 71, 63 Stat. 100, related to duties of United States attorneys, and to supervision by the Attorney General, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 663, and is now covered by sections 509 and 547 of this title.

§ 508. Vacancies.

(a) In case of a vacancy in the office of Attorney General, or of his absence or disability, the Deputy Attorney General may exercise all the duties of that office, and for the purpose of section 3345 of title 5 the Deputy Attorney General is the first assistant to the Attorney General.

(b) When, by reason of absence, disability, or vacancy in office, neither the Attorney General nor the Deputy Attorney General is available to exercise the duties of the office of Attorney General, the Assistant Attorneys General and the Solicitor General, in such order of succession as the Attorney General may from time to time prescribe, shall act as Attorney General. (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 612.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
----	[Uncodified]	R.S. § 347 (last sentence).
----	[Uncodified]	1953 Reorg. Plan No. 4, § 1, eff. June 20, 1953, 67 Stat. 636.

The last sentence of R.S. § 347 is cited as authority inasmuch as the function contained therein was the function transferred to the Deputy Attorney General by 1953 Reorg. Plan No. 4. The word "may" is substituted for "have the power". The words "During any period of time" are omitted as unnecessary.

CODIFICATION

A prior section 508, act June 25, 1948, ch. 646, 62 Stat. 910; Mar. 2, 1955, ch. 9, § 2(a), 69 Stat. 10; Oct. 11, 1962, Pub. L. 87-793, § 1003(a), 76 Stat. 865; Aug. 14, 1964, Pub. L. 88-426, title III, § 306(a)(1), 78 Stat. 428; Oct. 6, 1964,

Pub. L. 88-631, § 3(b), 78 Stat. 1008; related to salaries of United States attorneys, assistant United States attorneys, and special attorneys, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 663, and is now covered by section 548 of this title.

SALARY LIMITATIONS

Acts Aug. 5, 1953, ch. 328, title II, § 202, 67 Stat. 375; July 2, 1954, ch. 456, title II, § 202, 68 Stat. 421, which prescribed salary limitations, were repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 657.

§ 509. Functions of the Attorney General.

All functions of other officers of the Department of Justice and all functions of agencies and employees of the Department of Justice are vested in the Attorney General except the functions—

- (1) vested by subchapter II of chapter 5 of title 5 in hearing examiners employed by the Department of Justice;
- (2) of the Federal Prison Industries, Inc.;
- (3) of the Board of Directors and officers of the Federal Prison Industries, Inc.; and
- (4) of the Board of Parole.

(Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 612.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
----	[Uncodified]	1950 Reorg. Plan No. 2, § 1, eff. May 24, 1950, 64 Stat. 1261.

The section is restated to allow incorporation into this chapter.

CODIFICATION

A prior section 509, act June 25, 1948, ch. 646, 62 Stat. 910, related to expenses of United States attorneys, was repealed by Pub. L. 89-544, § 8(a), Sept. 6, 1966, 80 Stat. 663, and is now covered by section 549 of this title.

EX ORD. NO. 13310. EMERGENCY PREPAREDNESS FUNCTIONS

Ex. Ord. No. 11310, Oct. 11, 1966, 31 F.R. 13199, provided: By virtue of the authority vested in me as President of the United States and pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), it is hereby ordered as follows:

SECTION 1. *Scope.* (a) The Attorney General shall prepare national emergency plans and develop preparedness programs covering law-enforcement functions of concern to the executive branch of the Federal Government except to the extent that such functions are vested in other departments or agencies by statute or Executive order. Upon request, the Attorney General shall assist, as appropriate, in developing preparedness programs covering law-enforcement functions vested in other departments and agencies of the executive branch. He shall also provide, as appropriate, liaison with and guidance and assistance to the various divisions of State and local government, and maintain liaison with the Federal judicial system and the United States Congress as hereinafter set forth.

(b) These plans and programs shall be designed to develop a state of readiness in these areas with respect to all conditions of national emergency, including an attack upon the United States.

SEC. 2. *Basic Functions.* The Attorney General shall: (a) *Emergency documents and measures.* Provide advice, as appropriate, with respect to any emergency directive or procedure prepared by a department or agency as a part of its emergency preparedness function.

(b) *Industry support.* As appropriate, review the legal procedures developed by the Federal agencies concerned to be instituted if it becomes necessary for the Government to institute extraordinary measures, with respect to vital production facilities, public facilities, communications systems, transportation systems, or other facility, system, or service essential to national survival.

(c) *Judicial and legislative liaison.* In cooperation with the Office of Emergency Planning, maintain liaison with

Federal courts and with the Congress so there will be mutual understanding of Federal emergency plans involving law enforcement and the exercise of legal powers during emergencies of various magnitudes.

(d) *Legal advice.* Develop emergency plans for providing legal advice to the President, the Cabinet, and the heads of Executive departments and agencies wherever they may be located in an emergency, and provide emergency procedures for the review as to form and legality of Presidential proclamations, Executive orders, directives, regulations, and documents and of other documents requiring approval by the President or by the Attorney General which may be issued by authorized officers after an armed attack.

(e) *Alien control and control of entry and departure.* Develop emergency plans for the control of alien enemies and other aliens within the United States and, in consultation with the Department of the Treasury, develop emergency plans for the control of persons attempting to enter or leave the United States. These plans shall specifically include provisions for the following:

(1) The location, restraint, or custody of alien enemies.
(2) Temporary detention of alien enemies and other persons attempting to enter the United States pending determination of their admissibility.

(3) Apprehension of deserting alien crewmen and stowaways.

(4) Investigation and control of aliens admitted as contract laborers.

(5) Control of persons entering or departing from the United States at designated ports of entry.

(6) Increased surveillance of the borders to preclude prohibited crossings by persons.

(f) *Alien property.* Develop emergency plans for the seizure and administration of property of alien enemies under provisions of the Trading with the Enemy Act.

(g) *Security standards.* In consultation with the Department of Defense and with other executive agencies to the extent appropriate, prepare plans for adjustment of security standards governing the employment of Federal personnel and Federal contractors in an emergency.

(h) *Research.* Within the framework of over-all Federal research objectives, supervise or conduct research in areas directly concerned with carrying out emergency preparedness responsibilities, designate representatives for necessary ad hoc or task-force groups, and provide advice and assistance to other agencies in planning for research in areas involving the interests of the Department of Justice.

SEC. 3. *Civil Defense.* In consonance with national civil defense programs developed by the Department of Defense, the Attorney General shall:

(a) *Local law enforcement.* Upon request, consult with and assist the Department of Defense to plan, develop, and distribute materials for use in the instruction and training of law-enforcement personnel for civil defense emergency operations; develop and carry out a national plan for civil defense instruction and training for enforcement officers, designed to utilize to the maximum extent practicable the resources and facilities of existing Federal, State, and local police schools, academies, and other appropriate institutions of learning; and assist the States in preparing for the conduct of intrastate and interstate law-enforcement operations to meet the extraordinary needs that would exist for emergency police services under conditions of attack or imminent attack.

(b) *Penal and correctional institutions.* Develop emergency plans and procedures for the custody and protection of prisoners and the use of Federal penal and correctional institutional resources, when available, for cooperation with local authorities in connection with mass feeding and housing, for the storage of standby emergency equipment, for the emergency use of prison hospitals and laboratory facilities, for the continued availability of prison-industry products, and for the development of Federal prisoner skills to appropriately augment the total supply of manpower; advise States and their political subdivisions regarding the use of State and local prisons, jails, and prisoners for the purpose of relieving local situations and conditions arising from a state of emergency.

(c) *Identification and location of persons.* Develop emergency plans and procedures for the use of the facili-

ties and personnel of the Department of Justice in assisting the Department of Health, Education, and Welfare with the development of plans and procedures for the identification of the dead and the reuniting of families during a civil defense emergency.

SEC. 4. *Interagency Cooperation.* Unless otherwise provided in this order, the Attorney General shall assume the initiative in developing joint plans for emergency preparedness functions described in this order in consultation with those departments and agencies which have responsibilities for any segment of such activities.

SEC. 5. *Presidential Coordination.* The Director of the Office of Emergency Planning shall advise and assist the President in determining policy for, and assist him in coordinating the performance of, functions under this order with the total national preparedness program.

SEC. 6. *Emergency Planning.* Emergency plans and programs shall be developed as an integral part of the continuing activities of the Department of Justice on the basis that it will have the responsibility for carrying out such programs during an emergency. The Attorney General shall be prepared to implement all appropriate plans developed under this order. Modifications, based on emergency conditions, will be in accordance with policy determinations by the President.

SEC. 7. *Emergency Actions.* Nothing in this order shall be construed as conferring authority under Title III of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2201-2207), or otherwise, to put into effect any emergency plan, procedure, policy, program, or course of action prepared or developed pursuant to this order. Such authority is reserved to the President.

SEC. 8. *Reddelegation.* The Attorney General is hereby authorized to redelegate within the Department of Justice the functions hereinabove assigned to him.

SEC. 9. *Construction.* Nothing in this order shall be deemed to derogate from any now-existing assignment of functions to any Executive agency or officer made by statute or by Executive order.

SEC. 10. *General.* To the extent of any inconsistency between the provisions of any prior order and the provisions of this order, the latter shall control.

LYNDON B. JOHNSON.

§ 510. Delegation of authority.

The Attorney General may from time to time make such provisions as he considers appropriate authorizing the performance by any other officer, employee, or agency of the Department of Justice of any function of the Attorney General. (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 612.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
----	[Uncodified]	1950 Reorg. Plan No. 2, § 2, eff. May 24, 1950, 64 Stat. 1261.

The words "including any function transferred to the Attorney General by the provisions of this reorganization plan" are omitted as executed and unnecessary as the words "any function of the Attorney General" include the functions transferred to the Attorney General by 1950 Reorg. Plan. No. 2.

CODIFICATION

A prior section 510, act June 25, 1948, ch. 646, 62 Stat. 910, related to clerical assistants and messengers for United States attorneys, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 663, and is now covered by section 550 of this title.

§ 511. Attorney General to advise the President.

The Attorney General shall give his advice and opinion on questions of law when required by the President. (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 612.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
-----	5 U.S.C. 303	Feb. 27, 1877, ch. 69, § 1 (8th full par. on p. 241), 19 Stat. 241.
-----	R.S. § 354.	

§ 512. Attorney General to advise heads of executive departments.

The head of an executive department may require the opinion of the Attorney General on questions of law arising in the administration of his department. (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 613.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
-----	5 U.S.C. 304	R.S. § 356.

§ 513. Attorney General to advise Secretaries of military departments.

When a question of law arises in the administration of the Department of the Army, the Department of the Navy, or the Department of the Air Force, the cognizance of which is not given by statute to some other officer from whom the Secretary of the military department concerned may require advice, the Secretary of the military department shall send it to the Attorney General for disposition. (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 613.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
-----	5 U.S.C. 307	R.S. § 357.

The Department of War was designated the Department of the Army by the Act of July 26, 1947, ch. 343, § 205, 61 Stat. 501. "Department of the Air Force" is added on authority of the Act of July 26, 1947, ch. 343, § 207(a), (f), 61 Stat. 502. The word "Secretary" is substituted for "head." The words "military department" are substituted for "department" to conform to section 102 of title 5, United States Code, and section 101 of title 10, United States Code. The words "for disposition" are substituted for "to be by him referred to the proper officer in his department, or otherwise disposed of as he may deem proper."

§ 514. Legal services on pending claims in departments and agencies.

When the head of an executive department or agency is of the opinion that the interests of the United States require the service of counsel on the examination of any witness concerning any claim, or on the legal investigation of any claim, pending in the department or agency, he shall notify the Attorney General, giving all facts necessary to enable him to furnish proper professional service in attending the examination or making the investigation, and the Attorney General shall provide for the service. (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 613.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
-----	5 U.S.C. 48	R.S. § 187.
-----	5 U.S.C. 313	R.S. § 364.

Sections 187 and 364 of the Revised Statutes are combined into one section since they both deal with the same subject matter and are derived from the Act of Feb. 14, 1871, ch. 51, § 3, 16 Stat. 412.

The words "executive department" are substituted for "Department" because "Department", as used in R.S.

§§ 187 and 364, meant "executive department". (See R.S. § 159.) The word "agency" is substituted for "bureau" as it has a more common current acceptance. The word "concerning" is substituted for "touching". Reference to application for a subpoena is omitted as R.S. § 364 gives the department head the same authority to request aid from the Attorney General whether or not application has been made for a subpoena.

Section 187 of the Revised Statutes was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, § 201(d), as added Aug. 10, 1949, ch. 412, § 4, 63 Stat. 579 (former 5 U.S.C. 171-1), which provides "Except to the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense" is omitted from this title but is not repealed.

Minor changes are made in phraseology to allow for the combining of the two sections.

§ 515. Authority for legal proceedings; commission, oath, and salary for special attorneys.

(a) The Attorney General or any other officer of the Department of Justice, or any attorney specially appointed by the Attorney General under law, may, when specifically directed by the Attorney General, conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings and proceedings before committing magistrates, which United States attorneys are authorized by law to conduct, whether or not he is a resident of the district in which the proceeding is brought.

(b) Each attorney specially retained under authority of the Department of Justice shall be commissioned as special assistant to the Attorney General or special attorney, and shall take the oath required by law. Foreign counsel employed in special cases are not required to take the oath. The Attorney General shall fix the annual salary of a special assistant or special attorney at not more than \$12,000. (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 613.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 310	June 30, 1906, ch. 3935, 34 Stat. 816.
(b)	5 U.S.C. 315	R.S. § 366. Apr. 17, 1930, ch. 174, 46 Stat. 170. June 25, 1948, ch. 646, § 3, 62 Stat. 985.
-----	[Uncodified]	Aug. 5, 1953, ch. 328, § 202 (1st and 2d provisos, as applicable to special assistants and special attorneys), 67 Stat. 375.
-----	[Uncodified]	July 2, 1954, ch. 456, § 202 (as applicable to special assistants and special attorneys), 68 Stat. 421.

In subsection (a), the word "or counselor" are omitted as redundant. The words "United States attorneys" are substituted for "district attorneys" on authority of the Act of June 25, 1948, ch. 646, § 1, 62 Stat. 909. The words "any provision of" are omitted as unnecessary.

§ 516. Conduct of litigation reserved to Department of Justice.

Except as otherwise authorized by law, the conduct of litigation in which the United States, an agency, or officer thereof is a party, or is interested,

and securing evidence therefor, is reserved to officers of the Department of Justice, under the direction of the Attorney General. (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 613.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
----	5 U.S.C. 306	R.S. § 361. Sept. 3, 1954, ch. 1263, § 11, 68 Stat. 1229.

The section is revised to express the effect of the law. As agency heads have long employed, with the approval of Congress, attorneys to advise them in the conduct of their official duties, the first 56 words of R.S. § 361 and of former section 306 of title 5 are omitted as obsolete.

The section concentrates the authority for the conduct of litigation in the Department of Justice. The words "Except as otherwise authorized by law," are added to provide for existing and future exceptions (e.g., section 1037 of title 10). The words "an agency" are added for clarity and to align this section with section 519 which is of similar import. The words "as such officer" are omitted as unnecessary since it is implied that the officer is a party in his official capacity as an officer.

So much as prohibits the employment of counsel, other than in the Department of Justice, to conduct litigation is omitted as covered by R.S. § 365, which is codified in section 3106 of title 5, United States Code.

§ 517. Interests of United States in pending suits.

The Solicitor General, or any officer of the Department of Justice, may be sent by the Attorney General to any State or district in the United States to attend to the interests of the United States in a suit pending in a court of the United States, or in a court of a State, or to attend to any other interest of the United States. (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 613.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
----	5 U.S.C. 316	R.S. § 367.

§ 518. Conduct and argument of cases.

(a) Except when the Attorney General in a particular case directs otherwise, the Attorney General and the Solicitor General shall conduct and argue suits and appeals in the Supreme Court and suits in the Court of Claims in which the United States is interested.

(b) When the Attorney General considers it in the interests of the United States, he may personally conduct and argue any case in a court of the United States in which the United States is interested, or he may direct the Solicitor General or any officer of the Department of Justice to do so. (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 613.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
----	5 U.S.C. 309	R.S. § 359.

The words "and writs of error" are omitted on authority of the Act of Jan. 31, 1928, ch. 14 § 1, 45 Stat. 54. The word "considers" is substituted for "deems".

§ 519. Supervision of litigation.

Except as otherwise authorized by law, the Attorney General shall supervise all litigation to which the United States, an agency, or officer thereof is a party, and shall direct all United States attorneys, assistant United States attorneys, and special at-

torneys appointed under section 543 of this title in the discharge of their respective duties. (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 614.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
----	28 U.S.C. 507(b)	[None]

The words "Except as otherwise authorized by law," are added to provide for existing and future exceptions (e.g., section 1037 of title 10).

The words "or officer" are added for clarity and to align this section with section 516 which is of similar import.

The words "special attorneys appointed under section 543" are substituted for "attorneys appointed under section 503" to reflect the revision of this title.

§ 520. Transmission of petitions in Court of Claims; statement furnished by departments.

(a) In suits against the United States in the Court of Claims founded on a contract, agreement, or transaction with an executive department or military department, or a bureau, officer, or agent thereof, or when the matter or thing on which the claim is based has been passed on and decided by an executive department, military department, bureau, or officer authorized to adjust it, the Attorney General shall send to the department, bureau, or officer a printed copy of the petition filed by the claimant, with a request that the department, bureau, or officer furnish to the Attorney General all facts, circumstances, and evidence concerning the claim in the possession or knowledge of the department, bureau, or officer.

(b) Within a reasonable time after receipt of the request from the Attorney General, the executive department, military department, bureau, or officer shall furnish the Attorney General with a written statement of all facts, information, and proofs. The statement shall contain a reference to or description of all official documents and papers, if any, as may furnish proof of facts referred to in it, or may be necessary and proper for the defense of the United States against the claim, mentioning the department, office, or place where the same is kept or may be secured. If the claim has been passed on and decided by the department, bureau, or officer, the statement shall briefly state the reasons and principles on which the decision was based. When the decision was founded on an Act of Congress it shall be cited specifically, and if any previous interpretation or construction has been given to the Act, section, or clause by the department, bureau, or officer, it shall be set forth briefly in the statement and a copy of the opinion filed, if any, attached to it. When a decision in the case has been based on a regulation of a department or when a regulation has, in the opinion of the department, bureau, or officer sending the statement, any bearing on the claim, it shall be distinctly quoted at length in the statement. When more than one case or class of cases is pending, the defense of which rests on the same facts, circumstances, and proofs, the department, bureau, or officer may certify and send one statement and it shall be held to apply to all cases as if made out, certified, and sent in each case respectively. (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 614.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
----	5 U.S.C. 91	R.S. § 188.

The section is reorganized and restated for clarity. In subsection (a), the word "concerning" is substituted for "touching".

In subsection (b), the words "without delay" are omitted as unnecessary in view of the requirement that the statement be furnished "Within a reasonable time". The word "briefly" is substituted for "succinctly". The words "in suit" are omitted as unnecessary.

The words "executive department" are substituted for "department" because "department" as used in R.S. § 188 meant "executive department". (See R.S. § 159.) The words "military department" are inserted to preserve the application of the source law. Before enactment of the National Security Act Amendments of 1949 (63 Stat. 578), the Department of the Army, the Department of the Navy, and the Department of the Air Force were Executive departments. The National Security Act Amendments of 1949 established the Department of Defense as an Executive Department including the Department of the Army, the Department of the Navy, and the Department of the Air Force as military departments, not as Executive departments. However, the source law for this section, which was in effect in 1949, remained applicable to the Secretaries of the military departments by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which is set out in the reviser's note for section 301 of title 5, United States Code.

§ 521. Publication and distribution of opinions.

The Attorney General, from time to time—

(1) shall cause to be edited, and printed in the Government Printing Office, such of his opinions as he considers valuable for preservation in volumes; and

(2) may prescribe the manner for the distribution of the volumes.

Each volume shall contain headnotes, an index, and such footnotes as the Attorney General may approve. (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 614.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
----	5 U.S.C. 305 (1st sentence, as applicable to the Attorney General; 2d and 3d sentences).	R.S. § 383 (1st sentence, as applicable to the Attorney General; 2d and 3d sentences).

Section 188 of the Revised Statutes was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, § 201(d), as added Aug. 10, 1949, ch. 412, § 4, 63 Stat. 579 (former 5 U.S.C. 171-1), which provides "Except to the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense" is omitted from this title but is not repealed.

The words "his opinions" are substituted for "the opinions of the law officers herein authorized to be given" as the opinions of the Attorney General are his and only his and the reference to other "law officers" is misleading. All functions of all other officers of the Department of Justice were transferred to the Attorney General by 1950 Reorg. Plan No. 2, § 1, eff. May 14, 1950, 64 Stat. 1261. The word "considers" is substituted for "may deem".

In the last sentence, the words "proper" and "complete and full" are omitted as unnecessary.

§ 522. Report of business and statistics.

The Attorney General, at the beginning of each regular session of Congress, shall report to Congress on the business of the Department of Justice for the

last preceding fiscal year, and on any other matters pertaining to the Department that he considers proper, including—

(1) a statement of the several appropriations which are placed under the control of the Department and the amount appropriated;

(2) the statistics of crime under the laws of the United States; and

(3) a statement of the number of causes involving the United States, civil and criminal, pending during the preceding year in each of the several courts of the United States.

(Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 615.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
----	5 U.S.C. 333	R.S. § 384.

The words "The Attorney General . . . shall report" are substituted for "It shall be the duty of the Attorney General to make . . . a report". The word "beginning" is substituted for "commencement". The words "pertaining to the Department that he considers proper" are substituted for "appertaining thereto that he may deem proper".

The words "and a detailed statement of the amounts used for defraying the expenses of the United States courts in each judicial district" are omitted as obsolete in view of the creation of the Administrative Office of the United States Courts by the Act of Aug. 7, 1939, ch. 501, § 1, 53 Stat. 1223 (Chapter 41 of this title).

In paragraph (3), the words "Involving the United States" are inserted for clarity. The function of reporting on all cases pending in the United States courts is now vested in the Administrative Office of the United States Courts, see 28 U.S.C. 604.

§ 523. Requisitions.

The Attorney General shall sign all requisitions for the advance or payment of moneys appropriated for the Department of Justice, out of the Treasury, subject to the same control as is exercised on like estimates or accounts by the General Accounting Office. (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 615.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
----	5 U.S.C. 319	R.S. § 369.

The words "General Accounting Office" are substituted for "First Auditor or First Comptroller of the Treasury" on authority of the Act of June 10, 1921, ch. 18, § 304, 42 Stat. 24.

§ 524. Appropriations for administrative expenses; notarial fees; meals and lodging of bailiffs.

Appropriations for the Department of Justice are available for payment of—

(1) notarial fees, including such additional stenographic services as are required in connection therewith in the taking of depositions, and compensation and expenses of witnesses and informants, all at the rates authorized or approved by the Attorney General or the Assistant Attorney General for Administration; and

(2) when ordered by the court, actual expenses of meals and lodging for marshals, deputy marshals, or criers when acting as bailiffs in attendance on juries.

(Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 615.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
----	5 U.S.C. 341	July 28, 1950, ch. 503, § 1, 64 Stat. 380.

The words "now or hereafter" are omitted as unnecessary. The words "Assistant Attorney General for Administration" are substituted for "his administrative assistant" to make the statute more specific and to reflect the current title of the position, see § 307 of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 432.

§ 525. Procurement of law books, reference books, and periodicals; sale and exchange.

In the procurement of law books, reference books, and periodicals, the Attorney General may exchange or sell similar items and apply the exchange allowances or proceeds of such sales in whole or in part payment therefor. (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 615.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
----	5 U.S.C. 341e	July 28, 1950, ch. 503, § 3, 64 Stat. 380.

The words "Attorney General" are substituted for "Department of Justice".

§ 526. Authority of Attorney General to investigate United States attorneys and marshals, clerks of court, and others.

(a) The Attorney General may investigate the official acts, records, and accounts of—

(1) the United States attorneys and marshals; and

(2) at the request and on behalf of the Director of the Administrative Office of the United States Courts, the clerks of the United States courts and of the district courts of the Canal Zone and the Virgin Islands, probation officers, referees, trustees and receivers in bankruptcy, United States commissioners, and court reporters; for which purpose all the official papers, records, dockets, and accounts of these officers, without exception, may be examined by agents of the Attorney General at any time.

(b) Appropriations for the examination of judicial officers are available for carrying out this section. (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 615.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
----	5 U.S.C. 341b	July 28, 1950, ch. 503, § 4, 64 Stat. 380. July 7, 1958, Pub. L. 85-508, § 12(q), 72 Stat. 349.

In subsection (b), the words "now or hereafter" and "the provisions of" are omitted as unnecessary.

Chapter 33—FEDERAL BUREAU OF INVESTIGATION

Sec.	
531.	Federal Bureau of Investigation.
532.	Director of Federal Bureau of Investigation.
533.	Investigative and other officials; appointment.
534.	Acquisition, preservation, and exchange of identification records; appointment of officials.
535.	Investigation of crimes involving Government officers and employees; limitations.
536.	Positions in excepted service.
537.	Expenses of unforeseen emergencies of a confidential nature.

AMENDMENTS

1966—Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 616, substituted "Federal Bureau of Investigation" for "United States Marshals" in the heading of chapter 33, added items 531-537, and eliminated items 541-556.

§ 531. Federal Bureau of Investigation.

The Federal Bureau of Investigation is in the Department of Justice. (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 616.)

HISTORICAL AND REVISION NOTES

The section is supplied for convenience and clarification. The Bureau of Investigation in the Department of Justice, the earliest predecessor agency of the Federal Bureau of Investigation, was created administratively in 1908. It appears that funds used for the Bureau of Investigation were first obtained through the Department of Justice Appropriation Act of May 22, 1908, ch. 186, § 1 (par. beginning "From the appropriations for the prosecution of crimes"), 35 Stat. 236, although that statutory provision makes no express mention of the Bureau or of the investigative function.

Section 3 of Executive Order No. 6166 of June 10, 1933, specifically recognized the Bureau of Investigation in the Department of Justice and provided that all that Bureau's functions together with the investigative functions of the Bureau of Prohibition were "transferred to and consolidated in a Division of Investigation in the Department of Justice, at the head of which shall be a Director of Investigation."

The Division of Investigation was first designated as the "Federal Bureau of Investigation" by the Act of Mar. 22, 1935, ch. 30, title II, 49 Stat. 77, and has been so designated in statutes since that date.

§ 532. Director of the Federal Bureau of Investigation.

The Attorney General may appoint a Director of the Federal Bureau of Investigation. The Director of the Federal Bureau of Investigation is the head of the Federal Bureau of Investigation. (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 616.)

HISTORICAL AND REVISION NOTES

The section is supplied for convenience and clarification and is based on section 3 of Executive Order No. 6166 of June 10, 1933, which provided for the transfer of the functions of the Bureau of Investigation together with the investigative functions of the Bureau of Prohibition to a "Division of Investigation in the Department of Justice, at the head of which shall be a Director of Investigation". The Division of Investigation was first designated as the "Federal Bureau of Investigation" by the Act of Mar. 22, 1935, ch. 30, title II, 49 Stat. 77, and has been so designated in statutes since that date. The title of "Director of the Federal Bureau of Investigation" was recognized by statute in the Act of June 5, 1936, ch. 529, 49 Stat. 1484, and has been used in statutes since that date.

§ 533. Investigative and other officials; appointment.

The Attorney General may appoint officials—

(1) to detect and prosecute crimes against the United States;

(2) to assist in the protection of the person of the President; and

(3) to conduct such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General. This section does not limit the authority of departments and agencies to investigate crimes against the United States when investigative jurisdiction has been assigned by law to such departments and agencies. (Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 616.)